

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**  
**NASHVILLE, TENNESSEE**

**September 2, 2003**

**IN RE:**

**PETITION FOR APPROVAL OF  
AMENDMENT TO INTERCONNECTION  
AGREEMENT BETWEEN BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
AENEAS COMMUNICATIONS, INC.**

**DOCKET NO.  
03-00271**

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**AMENDED ORDER APPROVING  
FOURTH AMENDMENT TO INTERCONNECTION AGREEMENT**

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This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on June 2, 2003, to consider, pursuant to 47 U.S.C. § 252, the *Petition for Approval of the Amendment to the Interconnection Agreement Negotiated Between BellSouth Telecommunications, Inc. and Aeneas Communications, Inc. Pursuant to the Telecommunications Act of 1996* (the "Petition"). On July 3, 2003, the Authority issued an *Order Approving First Amendment to Interconnection Agreement*, which did not reflect the total number of amendments to the original interconnection agreement. Accordingly, this Amended Order replaces the July 3, 2003 Order and reflects the correct procedural history of this docket by stating that the amendment, which is the subject of this docket, is the fourth amendment and not the first amendment to the interconnection agreement.

The original interconnection agreement between these parties was filed on January 30, 2001, and was assigned Docket No. 01-00092. It was approved at a regularly scheduled Authority Conference on April 3, 2001. The first amendment was filed on July 19, 2001, under Docket No. 01-00634 and was approved at a regularly scheduled Authority Conference on September 25, 2001. The second amendment was filed on September 26, 2001, under Docket No. 01-00835 and was approved at a regularly scheduled Authority Conference on December 4, 2001. The third amendment was filed on November 22, 2002, under Docket No. 02-01247 and was approved at a regularly scheduled Authority Conference on December 16, 2002.

The fourth amendment, which is the subject of this docket, was filed on April 10, 2003, and considered at the June 2, 2003 Authority Conference by the voting panel assigned to this docket.

Based upon a review of the fourth amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the panel voted unanimously to grant the Petition and made the following findings and conclusions:


- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the service area of BellSouth Telecommunications, Inc.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the

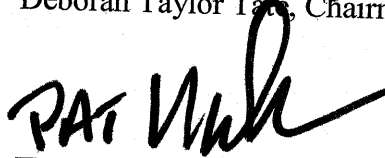
agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

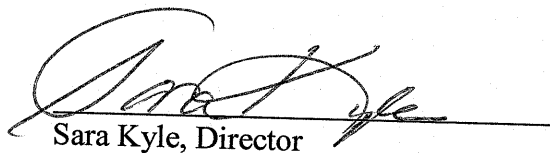
- 5) No person or entity has sought to intervene in this docket.
- 6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the fourth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Aeneas Communications, Inc. is approved and is subject to the review of the Authority as provided herein.

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Sara Kyle, Director

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<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B).